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# DECLARATION OF FRIENDS

## Oath of Abjuration.

I have received yours, and according to your desire, I have been considering the *Abjuration Oath*, and the *Scruples*, that some persons entertain against it; and I shall very freely, and with as much brevity as I possibly give you my Thoughts. I shall lay down the Reasons, or rather the Occasions of the Aversion of many, and more especially of the Ministry, from taking this Oath. I will consider the *Scruples* which are raised, and speak with much modesty against the Oath. I shall not pretend to diminish the duty of this Church, to give testimony against the *Popish* errors, and to swear the *Oath*, and of the *Prison* Oath.

you will with as much freedom (return me your Opinion, and Judgment of the whole.

The Occasions of the Scriptures are according to my Apprehension, as follows.

1mo. It is very well known, no sensible Man will take an Oath, if he can keep himself fairly free of it, and every good, and Religious Man will deliberate thorowly, before he will enter into it, even when he is by Lawful Authority, called under the severest Penalties, -- And when they consider, how easily the generality of Men, are induced to take Oaths, and how little they do regard the sacred Obligations of them, they Judge the multiplying of Oaths, with respect to publick Matters, rarely, or never Answers the end of the Imposess, And seldom fails to involve People in Perjury, some by taking them contrary to their Sentiments, others by breaking them as occasions offer, and Interest leads them: And altho' what I here offer respects Oaths in general; yet I know, it has no small influence in the present Case.

2do. This *Abjuration Oath*, was framed or formed in England at first, and we are naturally very jealous of every thing, that comes through their hands, and besides this Oath had some Law Terms in it, which when we had the first occasion, to consider, we did not so perfectly understand, these expressions bearing, in their Native Import and common use amongst us, a very different Sense from what they have in *England*, such as *Limitation and Limited*, which were amongst understood the Obligations and Restrictions, the Successor is by Law burdened with both before and after his Accession to the Throne, whereas its plain, that by *Limitation and Limited*, nothing is understood in the *English* Laws, but meerly the Nomination of the Persons, who are to succeed in opposition to all others, for in that Act which passed in the Thirteenth of King William, for the further Limitation of the Crown, the Parliament beleeches the King, that Princess Sophia, &c. Be declared next in Succession, and the Reason, why they were so earnest with the King, to join with them in this Declaration, was the fear they had, that the *Limitations*, in a preceeding Act of Parliament should Determine; Now I hope you will grant, they could be under no Apprehension, that the Conditions of the Succession, would determine or fail, such as the Successor should be a Protestant, shall not Marry a Papist, or any Quality required of him in Law, for it's plain, that these could never fail or determine, until the Laws were Repealed, and therefore by the failing, or determining of the *Limitations* formerly made, they must necessarily understand the Death of then the King, and of the present Queen, without



without Heirs, as consisting of the Persons nominated only, and had alone been rightly understood, and duly attended to, many Objections had been prevented, and a great deal that is said and write, against the Oath, may be hereby Answered.

*2tio.* It is also very well known, that the Abjuration Oath came upon the Stage, and fell under our consideration at first, in the most disadvantageous Circumstances imaginable, as being joined with, or to speak in the *English* Dialect, *Tacked to the Union*, for the Inclination we had at that time, to oppose the Union to the utmost of our power, led us to look with an unfavourable Eye upon every thing, that was necessarily required in it, and hereupon a mighty prejudice, was conceived against the Abjuration Oath; and every thing about it, was constructed in the worst Sense, and when prejudices are once drunk in, tho' upon Misapprehensions, they are not easily removed, even when matters are set in their due light, especially when Men have openly declared themselves, as common Experience doth testify in every case, and thus you have my Thoughts of the occasions of our scrupling the Oath.

*3dly.* I promised to consider the Scruples themselves, and I shall reduce them to two. *1st.* The Pretenders Right. *2dly.* The Qualities required in the Successor, by the Laws referred to in the Oath.

As to the Pretenders Right, I can see no difficulty, you can have it, if ye are indeed satisfied with the Revolution; And as I have no expectation of Reconciling *Anti-revolution* Principles to the Abjuration Oath, so I heartily wish, that none who are impress'd with them may take it: You have declared your Satisfaction with the Revolution, and in the most solemn manner, owned both King *William* and our present Queen, Rightfull Sovereigns over us, which is as inconsistent with any Right in the Pretenders Person, as any thing in the Abjuration Oath can be, and I will give my self no farther trouble on this head, untill you explain your self further; leaving you at this time, by what you have done already, to clear your self as to what is now required of you.

*4th.* I come now to consider the grand Scruple, arising from the Acts referred to in the Oath, and the prodigious Burden laid upon the innocent Particle *As*, and for removing this stumbling Stone, I think, it will not be amiss to present you with, a few different Acceptations of this Particle. *1st.* I pretend that this Particle may be considered as redundant in the Oath, or at least you may very lawfully look upon these Words, as the same as and stands, as a meer Transition from the matter sworn to in the Oath, to the Acts, where that matter stands as established in Law, without any other intention in the Legislature, for the Oath will read as

well, and the sense will be as clear thus, *I do faithfully promise to the utmost of my power to maintain and defend the Succession of the Crown, settled and entailed by an Act intituled &c.* And if so, then these Words, *as the same is and stands*, cannot rationally afford any ground of Scruple.

2dly. The Particle *As* may be taken for the word *Because*, or for the word *Seeing*, for Example, I assert that the Sins of a professing People are greater than the Sins of others, *As* they are committed against greater Light, which is a very ordinary and just Form of Speech, and yet the sense will not hinder me to express it thus, *Because* or *Seeing* the Sins of a professing people are committed against greater Light, so that these Terms are reciprocal; now if ye will apply this to the case in hand, it will do you very great Service, for then, you may read the Oath thus, or at least understand it so, *I do faithfully promise to maintain and defend the Succession of the Crown, because or seeing, or in regard, the same is and stands settled, by an Act &c.* And then you will see the Foundation of the Scruple removed.

3dly. The Particle *As* in some Phrases, hath no other Sense than what may be expressed, by *And*, thus you will find it used in the National Covenant, there it is said, that many Acts of Parliament are conceived for the Maintainance of Gods true Religion, *As* for Instance, the 99 Act Parl. the 7. Now I would ask you, if the full Sense had not been expressed, if the Covenant had given it thus, and for Instance the 99 Act Parl. the 7; And consequently *As* or *And* may be of equal Import, and indifferently used; And if you will apply this to the case in hand, it may ease you of your Difficulties, for instead of, *as the same is and stands settled*, you may read, *and the same is and stands settled*, or understand it so, which will serve you to as good purpose.

4thly. You will find *As* and *Which* may be reciprocal; For suppose, I should say our Saviour tells us, *hereby shall Men know that ye are my Disciples, if ye love one another*, as you will find recorded in the Evangelist *John*, or *Which* is recorded, and a thousand Instances might be given, of *As* and *Which*, there being thus reciprocal.

Perhaps, you'll tell me that by the very Oath it self, I am obliged to take every word in it, in the plain and common Sense of it, and I tell you as plainly, that all these Senses of the Word *As* are common and ordinary, and every one of them plain and agreeable to every thing in the Oath, nor will ye readily let me see any Oath, but I shall find some Particle redundant, or at least not absolutely necessary; And in place of *which*, several other Particles might be used without any Prejudice to the Sense: Allow me now to draw some Inferences from what I have said.

1st. It must appear very strange then, when the Particle *As*, may have



have so many Senses, that Men without any constraint whatsoever, should call out a particular Sense of it; which they judge hurtful, and choke themselves with it, and in such a variety of Acceptations, it will appear strange, to all disinterested and unprejudiced Persons, to pretend that in the Oath, it must be taken in a reduplicative Sense.

I do aver, that in such a Variety of Senses of any such Particle, I may by virtue of my Native Freedom, either as a Man or as a Christian, take the Particle in that Sense that comports with my known Principles, and the World will understand me so, in any Oath whatsoever, unless the Imposers, either in the Oath itself or otherwise, intimate a contrary Sense of it to me: otherways, it were absolutely impossible, ever to come to a Clearness, about an Oath of any length, unless the Imposers should write Volumes on the Particles. I think it sufficient that the matter of the Oath be duely weighed, and the end of the Oath duely regarded, and the common Sentiments of the Imposers, and the Takers, be attended to, and there is nothing more plain and evident, than that whole Nations took this Oath before it was required of you, without ever bogling at the Particle *As*, or imagining it to have a Reduplicative Sense: I have had the Honour to discourse with many of the Members of the House of Commons, and some of the Peers of as good Intelligence as any, upon this very Point, and they all declared they never heard of that Sense of it, that it was never dreamed of by the Parliament that imposed it, or the body of the People that took it, and its pretty hard for you to pretend, that the Oath was never understood, untill it fell under your consideration, and that ye should by torturing the Particle *As*, as the Socinians do some Particles in Scripture, force a Sense upon the Oath, contrary to the Sentiments of all Mankind.

From what is already said, ye must acknowledge, the Particle *As* may be taken otherwise then in a Reduplicative Sense.

I proceed now in the next place to Prove, That it must not be taken in a Reduplicative Sense, if the Judgment of the Imposers be Regarded: And for clearing this, consider, that in the time of the Union, our Statesmen, and all in Authority absolutely Disclaimed the Sense you would have the Particle *As* to bear, and Refused that ever the English understood it in that Sense, Peremptorily asserting, again, and again, that by that Oath we were Sworn to nothing, but what was particularly mentioned in it, and that the *As* was noways to be understood, but as pointing at the Laws where these things, particularly exprest in the Oath, are Established, and these Men, and that Parliament in Scotland, being the first that by Authority obliged any Scotsman to take this Oath, I think that

what they said upon that occasion, may bid fair to Determine you, as to the Sense of the Imposers, with Respect to the Innocent Particle *As*, and free it from any further Torture, and your Conscience from any further Trouble about it; But lest this do not absolutely satisfy you, as to the Sense of the Imposers, I will Endeavour by a few particulars to prove that the British Parliament never understood the Particle *As* to be Reduplicative, or the Swearer to be concerned with the Provisions required of the Sovereign, by the Acts referred to in the Oath, or with any thing beyond what is particularly exprest in the Oath.

*1mo.* In the first Session of the British Parliament, *An Act for the better Security of Her Majesty's Person and Government*, obtained the Royal Assent, whereby all Officers Civil and Military in Scotland were required to take the Abjuration: While this Act was under the Consideration of the Parliament, our Friends said that many of Her Majesty's Subjects in Scotland, might scruple the Oath, in Regard they apprehend, the Takers of the Oath were one way or other concerned in the Provisions contained in the Acts Referred to, and particularly of that of the Sovereigns being obliged to join in Communion with the Church of England; Whereupon the Acts Referred to, were called for and Read in Parliament, and the Provisions contained in them considered, and without the least Contradiction, it was Declared, That no Man was by that Oath concerned with any of them, nor with any thing not expressly contained in the Oath itself, but the Parliament being inclined to deliver the people in Scotland of all apprehensions of that sort, began to enquire after the Word or Phrase in the Oath, which had or might lead Men into this apprehension, and they did suppose that this mistake might arise from that word in the Oath, *The same is and stands Limited*, and if they had a certain Paper in their Hands, and received it as Expressive of the mind of the Scrupulous in Scotland, they had reason to lodge it there; and they did that Author a great deal of Honour, for without a Contradictive Vore they Cancelled the Word *Limited*, and put in the Word *Entailed* in the Oath.

Now Sir, Lay aside Prejudice, and then ye must acknowledge with me, that the Parliament making this alteration in the Oath upon the Reasonings he Represented, we ought in Duty and Conscience to receive it, as a Parliamentary Declaration, of the Oaths being free from the Provisions in the Acts Referred to, and particularly from that of the Sovereigns being obliged to join in Communion with the Church of England. I know you will Require a Proof of what is here Represented: As for the Parliamentary Alteration of *Entailed* for *Limited*, your Eyes will convince you of it by inspecting the Oath, and your Reason will tell you that the Par-



Parliament did it upon strong ground, and to satisfy the People in Scotland: And ye will not be so ridiculous as to think, that they did not know our Grand Difficulty, but the Provisions contained in the Acts Referred to, and particularly that of the Sovereigns being obliged to join in Communion with the Church of England; and ye must not be so injurious to the Honour and Judgment of the Parliament, as to entertain the least thoughts of their Treachery in this affair, which they had undoubtedly done, if they had intended to deliver us from that, which they knew to be our Grand Scruple, and know it they did, both by our Representatives in Parliament, and by Papers Emitted, &c. And altho' I think this is here said may satisfy, yet I assure you I have had the whole of this Declared to me by Persons of great Judgment and Candour, that many Members of Parliament at that time, and I hope you shall see this Affair as fully Proved, as any Affair of this Nature is Capable, Attestations from Members of Parliament to this purpose being in the Authors Hands; And as for the Two Houses of Parliament presently Sitting, and their Judgment in the matter, you very well know that whatever Differences have been among them, yet they have all without the Exception of One, owned the Oath to have that which we call the sound Sense, in all their Debates, about the Verbal Alteration of *As* and *which*, and some in Parliament Confidently asserted, that Disaffection to the Government, and Successor, behooved to be at the bottom of the Scruples, *some As & which* were plainly Reciprocal, and that all in Parliament owned the Oath to be concerned about nothing, but what is expressly mentioned in it, *As* or *which* may be fully Attested by many famous Witnesses.

2dly. I suppose ye will own that if the Oath is burdened with the scrupled Provision, it must be burdened with all the rest, and ye would know, that some of the rest are taken off by an Act for the better Security of her Majestys Person and Government, and of the Succession to the Crown which passed in the 4th Year of the Queens Reign, particularly that the Privy Counsellors shall Subscribe the Advice they give to the Sovereign and likewise that Provision, that no Person having Place, Profit or Pension shall be a Member of the House of Commons, is Repealed, and I suppose you believe, that those who have taken the Oath, cannot without a Manifest Breach of it consent to, let alone, be Active in Disburdening the Sovereign, of any of these Provisions; and likewise ye must consider that all the Members of Parliament, Swear the Abjuration Oath, and consequently if they take the *As* in the Reduplicative Sense, and concede the Oath to be Burdened with these Provisions, they have according to your apprehensions voluntarily and deliberately run into Perjury in relieving the Successor of any of these Provi-

sions, and that they are so Ridiculous no oblig'd Men will believe these things, which they by Act of Parliament have discharged, and if they do not conceive the Oath to be burdened with these Provisions, I hope you will see the Sense of the Imposers in that Oath to be agreeable to your Principles; and while their words are capable of such a late Interpretation, you would consider how far ye transgress the rules of Reason, as well as Religion, and particularly of doing as ye would be done by, if ever the Belly of all that is here said, you will force the Scriptural Sense upon the Parliaments words and Actions, and put them upon a Pack of Perjured and Ridiculous Men.

3<sup>dly</sup>, I hope you will grant that if Men have occasion to treat of the same thing by word or by writing and do use different Phrases or Particles in their Speeches or Writings, but with the greatest firmness holding by, and cleaving to the Substance of the thing, then all Men of sense are bound to believe and will acknowledge that these Men have no concern about or design in these Phrases or Particles they Change or Vary in, but that their whole design and concern is bound up in the Substance of the thing, concerning which they are never found to vary at any time; and if you will take the pains to apply this to the present Case, you'll find the Parliament has no particular design in the Word or Particle, *As*, and that all their concern is about the Subject matter of the Oath; for tho' in the Oath they make use of the Scriptural Particle, and answer themselves thus, *As the same is and Stand limited*, yet in the 2<sup>d</sup> Article of the Union where they are solemnly called to be and were indeed as much concerned for the Substance of the Succession, they have no regard to the Particle, *As*, but speaking of the Princess Sophia, &c. They Express themselves thus, *Upon whom the Crown is settled by an Act of Parliament*, &c. And therefore you are Injurious to them and may prove Mischievous to your self in laying such a Stress upon the Particle *As*.

4<sup>thly</sup>. If You consider the Transactions between Scotland and England, since these Acts were made, particularly by that great Transaction of the Union, whereby the Subjects of Scotland and the Subjects of England have reserved Rights and opposite Privileges with respect to Church Matters Unalterably and for ever Secured to them, and that all Laws and Acts of Parliament made before the Union, and inconsistent with the Union are declared void and Null by the Union; You will hold the Acts of Parliament mentioned in the Oath Abrogated and Null, in so far as they may or can be inconsistent with our reserved Rights, and opposite privileges, unalterably Secured to us by the Union, and consequently nothing can be more unjust, than to Force such a sense upon the Particles *As* or extend



the Oath to any thing inconsistent with these Reserved Rights and opposite Privileges which are unalterably Secured to us, by consent of both Parliaments in the Union, and which would infer a breach of the publick Faith, so Solemnly plighted, and a Rescinding of the Union, when no such intention is intimated by the Parliament with respect to the Particle, *And* and when both Houses now Sitting strongly and Unanimously declare the contrary as you may have Attested, by many Famous Witnesses.

And if all this may not satisfie, that the Sense of the Imposers is sound and agreeable to your principles, I must say, your Reasoning Faculty is not so clear, as I have found it upon other Occasions.

Having cleared the Sense of the Imposers, and made it evident, that they never intended, the Oath should reach the provisions in the Acts or any thing not expressly mentioned in the Oath. I come now from the very Nature of the provisions, to prove that no such thing, as you imagine can in any rational Construction be supposed. And.

1. Every Impartial Eye, by looking into those Provisions will see that nothing could be more contrary to the Intention of the Parliament than the Thoughts of obliging themselves, and all that take this Oath to maintain them, for as I said before, if the Oath regard any of them it must regard them all, and consequently the last wherein it is expressly provided that after the said *Limitation or Entail*, (for so you must understand, the word *Limitation*) shall take effect, That the Sovereign shall Administer the Government according to the Laws of the Realm, and that all Laws and Statutes of the same then in force shall be Ratified and Confirmed; And therefore, if the Oath reaches this Provision, the Parliament must be guilty of Perjury, as often as they alter or annul any Statute of the *English* Law then in force, which is a Thing so gross inconsistent with common Sense, and the Native and Necessary Power of Parliament, that is it impossible for a Man to render himself more Ridiculous than by owning he entertains such a Thought; And this is the more convincing, if ye consider that they have altered many of their Acts already which were then in force, and they never supposed themselves thereby guilty of Perjury, nor was it ever objected to them.

2dly. If this were the Sense of the Oath, and if the Oath did reach this Provision and could oblige the Swearer in his Station to the outmost of his power to maintain it; I cannot see how it is possible for any Man to take it with Judgement, because I think it is impossible for a Man fully and distinctly to understand all the Statutes of the *English* Law, and every Clause in them, and the certain Sense of every *As* in them, which perhaps never had nor was intended to have a certain Sense; for as to oblige

blige himself by Oath, to see them all ratified and confirmed by the Sovereign when the Entail takes effect.

I hope by this time you are abundantly satisfied, as to the Sense of the Imposers with respect to this Oath and that no Allegations for extending the Oath beyond what is expressly mentioned in it can be admitted, and to me it is a wonder that after due consideration of the Oath, it self, any such thing should be alledged; seeing the Oath has a Clause in it which absolutely cuts off all such Pretensions, *viz.* *And all these things I do swear according to these express words by me spoken:* I think it would resemble the Comentary of Orleans which destroyed the Text, if you Comment upon this Clause and say, That I am by this Oath bound to any thing, by me not spoken or expressed in this Oath, as the Contraverfed Things are, and I hope you will not pretend that the Things ye Scruple about, are express in this Oath.

May I not now with some Confidence present you with the true Sense of that part of the *Abjuration Oath* which concerns the Succellor, take it thus, *And I do faithfully promise to the utmost of my Power to maintain and defend the Succession of the Crown to the Princess Sophia Electress and Dutchess Dowager of Hanover, and the Heirs of her Body being Protestants as the same stands settled and entailed in Opposition to or against the said James, and all other Persons whatsoever by an Act, &c.* And I am very sure I have not in this transgressed the Grammatical Sense of the Oath, nor the common Rules of Speech, but plainly held forth the Sense of the Imposers; And here, if ye will, ye may find a reduplicative Sense of the Particle *As*.

First, Upon the Persons, *viz.* *Sophia* and the Heirs of Her Body, in opposition to the Pretender, and all Persons whatsoever.

2<sup>dly</sup>. Upon the Qualities of the Persons, *viz.* *Sophia* and Her Heirs being Protestants in opposition to the Pretender and others being Papists, And beyond this, it is not to be supposed that the Parliament had a view in this part of the Oath.

2<sup>dly</sup>. If you will read or understand the Oath thus, as surely ye ought, I do assert that the Acts about which so much noise is made, have no manner of Interest in the Oath, but to point us to the Particular Laws where the Succession of the Crown is secured to *Sophia, &c.* In opposition to, or against all Persons whatsoever, and consequently in opposition to and against the Pretender; And therefore it's absolutely impertinent to found Scruples upon any particulars in these Acts, tho' never so contrary to our Principles, the Oath having no relation to them.

You will easily perceive, from what is here said, that the *Abjuration Oath* hath no manner of Relation to, or Concern with the Coronation Oath, which the Law requires of the Sovereign in the actual Exercise of the Government, for seeing by my Oath I am only concern-



ed, to maintain the Succession of *Sophia &c.* The Obligation can extend no further, than that I use my utmost endeavours in my station, to bring her, and the Heirs of her Body, being Protestants, to the actual Exercise of the Government, in which event she, or they cease to be Successors *in personis*, and consequently my Obligations to her or them, as such are instantly fulfilled, and the full design and end of that part of the *Abjuration Oath* is obtained, and then she and they, become our Rightful and Lawful Sovereigns, to whom our Allegiance will be required, and she and they, by the Law, may be for some considerable time, in the actual Exercise of the Government, before she or they, actually swear the Coronation Oath, and consequently the *Abjuration Oath* respects her and them, and what is required of them, viz. their being Protestant, as Successors, and *in personis*, and has no relation to them as Sovereigns, and *in possession*, it is no more concerned with the Coronation Oath, than with the other Provisions of Government, contained in the Act, to which it has no relation at all, as is above said.

Since we have spoke of the Coronation Oath, and tho it has no manner of Relation to the *Abjuration Oath*, yet it may not be amiss, to consider the same. With respect to what is common in it, and has a relation to all the Subjects of Britain, and the Dominions thereto belonging, viz. The Sovereign's being expressly obliged thereby to Govern all his Subjects, according to Law; upon which, and so long as he does so, all his Subjects are obliged to Swear, and to continue to pay allegiance to the Sovereign, and thus the Relation is fixed betwixt them, in a way agreeable to all their Principles and Interests without distinction, and suitable to the peculiar constitution of our Government, which is *ipso facto* Dissolved, and all turns loose upon the Sovereign's Power degenerating into Tyranny.

2<sup>dly</sup>, You may consider the Coronation Oath, with respect to what is special in it, and it has a Relation to the reserved Rights, and opposite Priviledges, of the Subjects of Scotland, and the Subjects of England, with respect to Church Matters, and different Forms of Ecclesiastick Government, stipulated in that Solemn Treaty and Contract of the Union, betwixt the two Nations, for we are not now to consider the Coronation Oath as it stood in the *English* Law before that Transaction, with which Law we have no manner of Concern, but as it stands in the Treaty of Union. And first, The Sovereign is thereby obliged to us in his Coronation Oath, to Swear to maintain the Presbyterian Government, and all the Rights and Priviledges thereof, which he will carefully perform, as he will be sure never to sap the Foundation, on which his Crown and Dignity is established, and with respect to this part of the Coronation Oath, the Subjects of England as such, in Swearing the *Abjuration Oath* have no manner of Concern.

2<sup>dly</sup>, There is something special in the Coronation Oath with respect to England viz. That the Sovereign shall expressly swear to maintain their Church Government &c. With which the People of Scotland, in Swearing the *Abjuration Oath* to the Successor, or Allegiance to the Sovereign have no manner of Concern, it being calculated meerly for the reserved Rights of England, and unless things are taken in this Sense, it were impossible for any who are conscientiously Presbyterian, or conscientiously Episcopal in the one or in the other part of the Island, to Swear either

*Abjuration or Allegiance*; which is such an Argument for this Sense, since matters will bear it, as can never be answered, for who can be so monstrous as to imagine, that the two Nations of *Scotland and England*, did set matters on such a foot, by an unalterable Contract, as that conscientious Men could never take the Oaths, necessarily required of them, by that Contract.

I have one thing more, which you have commanded me to speak to, which when I have done, I shall conclude, you tell me that some pretend, that if the *Abjuration* respects nothing, but what is expressly required in it to the Successor, then they are obliged by that Solemn Oath to stand by him, he being Protestant, be or do, what else he will, this being the only Quality required of him in the Oath; But these Gentlemen would consider, that the Successor or Sovereign, may fall under several Incapacities, beside that pointed at in the Oath, which natively and necessarily looses the Swearer from the Obligation of it, and which are, by a Necessity of Nature and Law, supposed both with respect to the *Abjuration*, and Oath of *Allegiance*, for suppose the Successor or Sovereign, shall turn fatuous or furious, is not this understood in all Oaths of this Nature, and doth it not loose from the Obligation of them, tho' not mentioned in them? I likewise said that there are Incapacities by necessity of Law, of the same Import and Influence; and by Law here I understand. First, The Essential Form of our Civil Constitution *viz.* A Limited Monarchy; Therefore what toucheth this is supposed in all Oaths, required of or given by the Subject, tho' it is not mentioned in these Oaths; Therefore if a Prince shall turn Tyrannical, tho' the Subjects have given an Oath of simple Allegiance to him without any Quality in it at all, they are thereby loosed from the Obligation of it, and hereupon the Forfeiture of K. James was founded; And thus you see an Oath may suppose something, which may loose from the Obligation of it, tho' it be not Expressed in it, which you may easily apply to the present Case.

Besides an Incapacity thus arising from the Essential form of our Constitution, there is in the present Case, an Incapacity arising from the Essential form of our Successor, or Sovereign's Title and Parliamentary Right to the Crown, and Exercise of the Government, made so by Law, *viz.* His Marrying a Papist, in which case, whither Successor or Sovereign, he is Legally and Consequently, as if he were Really Naturally Dead to us, and Consequently all Obligations of Oaths, or otherwise cease to him; and this Legal Incapacity, which must always be Reckoned strong enough to Extinguish a Legal Right both Established by the same Authority, being known to the Successor, to you, and to the World, Previous to the Oaths of *Abjuration* or *Allegiance*, must necessarily and fairly be supposed in them, and the Successor or Sovereign having no Interest in, nor Right to require these Oaths of you, but by a Title Burdened with this Incapacity; and for the Law Establishing the Successor's Right, and this Incapacity, the Union only, as to us in *Scotland*, can be understood.

And thus you have my present Thoughts of this Business; I thought to have touched upon the Inconveniencies of Refusing to take the Oath, but I Love not to be Tedious, and if what I have here said shall Satisfy your Judgment, which is first to be done, an Argument from Inconveniency, will be the more Regarded by you, and you may have it, with as much Freedom, as you have had this, if you shall desire it, From

SIR,  
Your most Humble Servant.